

Message Text

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ACTION EA-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
IO-13 HA-05 OMB-01 TRSE-00 ACDA-12 /097 W
-----049746 091207Z /41
R 090843Z MAY 78
FM AMEMBASSY MANILA
TO SECSTATE WASHDC 5472

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E.O. 11652: N/A
TAGS: PGOV, RP
SUBJECT: MARCOS TO CEASE ISSUING DECREES ON MAY 15

1. ALL THREE MAJOR MANILA MORNING PAPERS HEADLINED MAY 8 REPORT FROM "OFFICIAL SOURCES" THAT PRESIDENT MARCOS WILL CEASE ISSUING DECREES, LETTERS OF INSTRUCTION AND GENERAL ORDERS MAY 15 AND ALLOW LEGISLATIVE POWERS TO PASS TO THE INTERIM BATASANG PAMBANSA (IBP). THE IBP REPORTEDLY WILL CONVENE ON JUNE 12, PHILIPPINE INDEPENDENCE DAY.

2. TO AVOID CONFUSION REGARDING MARCOS' CESSATION OF LEGISLATIVE FUNCTIONS SOLICITOR GENERAL ESTELITO MENDOZA EXPLAINED TO NEWSMEN MAY 8 THAT MARCOS' ACTIONS ARE PURELY VOLUNTARY; HE STILL RETAINS THE AUTHORITY TO "LEGISLATE." MENDOZA POINTED OUT THAT MARCOS' LEGISLATIVE POWERS DERIVE FROM A) HIS MARTIAL LAW POWERS, B) THE SIXTH AMENDMENT TO THE PHILIPPINE CONSTITUTION, RATIFIED IN THE 1976 PLEBISCITE, WHICH PROVIDES THAT THE PRESIDENT MAY ACT WHEN IN HIS JUDGMENT A GRAVE EMERGENCY EXISTS AND THE IBP HAS FAILED TO DEAL ADEQUATELY WITH THE PROBLEM, AND C) SECTION THREE, PARAGRAPH TWO OF ARTICLE XVII OF THE CONSTITUTION WHICH PROVIDES THAT ALL PROCLAMATIONS, ORDERS AND DECREES ISSUED BY THE PRESIDENT SHALL HAVE THE FORCE OF LAW AND

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REMAIN BINDING EVEN AFTER MARTIAL LAW IS LIFTED (UNLESS MODIFIED OR REVOKED BY THE PRESIDENT OR REGULAR NATIONAL ASSEMBLY).

3. COMMENT: MARCOS IS PATENTLY GIVING UP LITTLE POWER BY PERMITTING THE IBP TO FUNCTION AS THE PHILIPPINES' SOLE LEGISLATIVE INSTITUTION. COMPRISED ALMOST TOTALLY

OF PRO-MARCOS LEGISLATORS, ELECTED AND APPOINTED, THE
BODY WILL DELIVER MAJORITIES FOR MARCOS EVEN IN THE EVENT
A SMALL GROUP OF OPPOSITIONISTS DEVELOPS. TOUSSAINT

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Message Attributes

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Draft Date: 09 may 1978
Decaption Date: 01 jan 1960
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Disposition Approved on Date:
Disposition Case Number: n/a
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Disposition History: n/a
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